

No. 24-1773

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

REAL TIME MEDICAL SYSTEMS, INC.,

Plaintiff-Appellee,

v.

POINTCLICKCARE TECHNOLOGIES, INC.,
d/b/a PointClickCare,

Defendant-Appellant.

On Appeal from the United States District Court for the
District of Maryland, No. 8:24-cv-00313-PX, Hon. Paula Xinis

**Appellant's Consent Motion to
File Corrected Joint Appendices**

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February 24, 2025

Appellant PointClickCare respectfully moves the court to allow Appellant to file a corrected Joint Appendix Volume V without changing pagination. On Monday, February 10, 2025, the parties filed a status report at the request of the district court regarding pending motions to seal. In that status report, the parties noted that:

Counsel for the Parties have conferred and agreed that the documents subject to the Motions at ECF Nos. 24, 30, 33, 41, and 47 do not need to remain sealed in light of the testimony and exhibits disclosed in open court during the Preliminary Injunction Hearing. ...

Counsel for Defendant also provided a July 26, 2024 letter (“Letter”) to the Court updating the Court on certain information. In ECF No. 67 Counsel for Defendant moved to seal that Letter, and Counsel for Plaintiff filed no Response in Opposition to that motion. After the Court instructed the Parties to provide this Joint Status Report, counsel for Plaintiff informed counsel for Defendant that Plaintiff opposed the sealing of the Letter and intended to include in this Joint Status Report language regarding Plaintiff’s stance about which portions of the Letter had become public. Rather than litigating the public nature of the Letter or portions thereof—and possibly requiring the Joint Status Report itself to be filed under seal—Defendants hereby withdraw the Letter from filing pursuant to District of Maryland Local Rule 105.11

ECF 78. In response to the joint status report, the district court entered an order on February 11, 2025, stating:

For the reasons stated in [78] Joint Status Report, the Court WITHDRAWS [66] Sealed Document and DENIES as MOOT

Motions to Seal at ECF Nos. [24], [30], [33], [41], [47], and [67].

ECF 79. Accordingly, Appellant moves the Court to allow Appellant to file a corrected Joint Appendix without changing the pagination with the costs for doing so to be borne by Appellant. Pages JA1407-1451, remain sealed and will constitute the new sealed Volume V. Pages JA1452-1528, which were formerly sealed, will be filed in a new public Volume VI because the motions to seal have been dismissed as moot below. The withdrawn sealed document at pages JA1529-1531 in the sealed appendix will be removed. And the document at pages JA1532-1547, which remains sealed, will be filed in a new sealed Volume VII with the same pagination.

On February 18, 2025, Appellant conferred with Appellee's counsel. Appellee consents to this motion.

Date: February 24, 2025

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2), because it contains 402 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(a)(2)(B) and 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Century Schoolbook 14-point font.

Date: February 24, 2025

/s/ Amy R. Upshaw

Amy R. Upshaw

*Counsel for PointClickCare
Technologies Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2025 the foregoing document was filed with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit via the CM/ECF system. Counsel was served through the CM/ECF system.

/s/ Amy R. Upshaw

Amy R. Upshaw

*Counsel for PointClickCare
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